



**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

VINCENT POTTER,

Plaintiff,

v.

U.S. DEPARTMENT OF HEALTH AND  
HUMAN SERVICES, THE UNITED  
STATES OF AMERICA, and CALLEN-  
LORDE COMMUNITY HEALTH CENTER,

Defendants.

17 Civ. 4141 (AJN)

**STIPULATION**

IT IS STIPULATED AND AGREED, by and between counsel for Plaintiff Vincent Potter and counsel for Defendants United States of America, U.S. Department of Health and Human Services ("HHS"), and Callen-Lorde Community Health Center ("Callen-Lorde") (collectively, "Defendants"), pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), that:

1. For the period of time relevant to this litigation, Callen-Lorde was deemed to be a part of the Public Health Service.
2. The Federal Tort Claims Act ("FTCA"), 28 U.S.C. §§ 1346(b), 1402(b), 2401(b), and 2671-80, provides that the exclusive remedy with respect to Plaintiff's claims is a suit against the United States. *See* 42 U.S.C. § 233(a); *Cuoco v. Moritsugu*, 222 F.3d 99, 107 (2d Cir. 2000).
3. Defendants HHS and Callen-Lorde are hereby dismissed from this action without prejudice.

4. The caption of the instant action is hereby amended as follows:

-----X
VINCENT POTTER,
Plaintiff,
v.
UNITED STATES OF AMERICA,
Defendant.
-----X

5. Facsimiles of signatures shall constitute acceptable, binding signatures for purposes of this stipulation.

Dated: January 19, 2018  
New York, New York

VANDAMME LAW FIRM, P.C.  
*Attorney for Plaintiff*

By: *Hendrick Vandamme*  
HENDRICK VANDAMME  
46 Trinity Place, 3rd Floor  
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Dated: January 22, 2018  
New York, New York

GEOFFREY S. BERMAN  
United States Attorney  
*Attorney for Defendants*

By: *Jennifer Jude*  
JENNIFER JUDE  
Assistant United States Attorney  
86 Chambers Street, 3rd Floor  
New York, New York 10007

So Ordered:

*Alison Nathan*  
HON. ALISON NATHAN  
U.S. District Court Judge

*em*

*1/22/18*